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April 15, 2022

## BY ECF

The Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

*Re: Catherine McKoy, et al. v. The Trump Corporation, et al.*, 18-cv-09936 (LGS)

Dear Judge Schofield:

We write on behalf of Plaintiffs in the above-referenced action, pursuant to Rule I.D.3 of Your Honor's Individual Rules and Procedures for Civil Cases ("Individual Rules"), to respectfully request provisional approval to file under seal an unredacted version of a letter to the Court ("Letter") concerning certain categories of discovery sought from ACN.

In the Letter, Plaintiffs refer to information found in and quote from a document produced by ACN that has been designated as "Confidential" under Paragraph 3 of the operative Protective Order (ECF 112).

In accordance with Paragraph 16 of the Protective Order and this Court's Individual Rules, Plaintiffs have provisionally filed the unredacted Letter under seal and have provisionally redacted references to the information designated as Confidential in the Letter filed on the public docket.<sup>1</sup> Pursuant to Rule I.D.3 of this Court's Individual Rules, however, the entity or entities "with an interest in confidential treatment bears the burden of persuasion." Individual Rules, Rule I.D.3.

In this case, ACN, as the entity that made the relevant confidentiality designations, has the "interest in confidential treatment." Accordingly, on April 15, 2022, counsel for Plaintiffs met and conferred with counsel for ACN concerning Rule I.D.3 of this Court's Individual Rules and

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<sup>1</sup> In accordance with Rule I.D.3, an unredacted copy of the Letter, with redactions highlighted, will be filed under seal contemporaneously with this letter motion. *See* Standing Order, 19-mc-00583 (Dec. 19, 2019); Electronic Case Filing Rules & Instructions, Rule 6.8. Plaintiffs will timely serve the unredacted version on Defendants and on ACN.

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2

ACN's obligation thereunder to promptly submit a letter "explaining why" ACN "seeks to have certain documents filed in redacted form or under seal," pursuant to Rule I.D.3.

Finally, for the avoidance of doubt, Plaintiffs take no position at this time on whether the redacted information was properly designated as confidential or whether it ought to remain sealed from the public. Plaintiffs further respectfully reserve the right to challenge the relevant confidentiality designations in the future pursuant to Paragraph 15 of the Protective Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John C. Quinn", is positioned above the printed name.

John C. Quinn

cc: Counsel of Record (via ECF)  
Counsel for ACN (via ECF and email)